## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

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) Civil No. 3:21-cv-86–HEH
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## FINAL ORDER (Adopting Report and Recommendation of the Magistrate Judge)

This matter is before the Court on the Report and Recommendation of the Magistrate Judge ("R&R") entered on February 13, 2023. (ECF No. 37.) The time to file objections has expired and neither party has objected to the R&R. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge (ECF No. 37) is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) Plaintiff's Motion for Summary Judgment (ECF No. 32) is DENIED.
- (3) Defendant's Motion for Summary Judgment (ECF No. 36) is GRANTED.
- (4) The decision of the Commissioner is AFFIRMED.

Let the Clerk of the Court send a copy of this Final Order to all counsel of record. It is so ORDERED.

Richmond, Virginia

Date: March 2, 2623

Henry E. Hudson

Senior United States District Judge